

STUDENT ATTENDANCE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Robertson

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill addresses school absences for mental or physical illness.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits requiring documentation from a medical professional for an absence due to mental or physical illness; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****53G-6-201**, as last amended by Laws of Utah 2020, Chapter 20**53G-6-205**, as last amended by Laws of Utah 2020, Chapter 20

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **53G-6-201** is amended to read:**53G-6-201. Definitions.**

As used in this part:

(1) (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.

(b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.

(2) "Minor" means a person under the age of 18 years.

(3) "Parent" includes:

(a) a custodial parent of the minor;

(b) a legally appointed guardian of a minor; or

(c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (3)(a) or (b).

(4) "School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.

(5) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child:

(a) is enrolled; or

(b) should be enrolled, if the school-age child is not enrolled in school.

(6) "School-age child" means a minor who:

(a) is at least six years old but younger than 18 years old; and

(b) is not emancipated.

(7) (a) "Truant" means a condition in which a school-age child, without a valid excuse, and subject to Subsection (7)(b), is absent for at least:

(i) half of the school day; or

(ii) if the school-age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.

(b) A school-age child may not be considered truant under this part more than one time during one day.

(8) "Truant minor" means a school-age child who:

(a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and

(b) is truant.

(9) (a) "Valid excuse" means:

(i) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;

(ii) a family death;

(iii) an approved school activity;

(iv) an absence permitted by a school-age child's:

(A) individualized education program; or

(B) Section 504 accommodation plan;

(v) an absence permitted in accordance with Subsection 53G-6-803(5); or

(vi) any other excuse established as valid by a local school board, charter school governing board, or school district.

(b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a reason described in Subsections (9)(a)(i) through (vi), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (9)(a)(vi).

Section 2. Section 53G-6-205 is amended to read:

53G-6-205. Approval absences.

(1) In determining whether to preapprove an extended absence of a school-age child as a valid excuse, a local school board, charter school governing board, or school district shall approve the absence if the local school board, charter school governing board, or school district determines that the extended absence will not adversely impact the school-age child's education.

(2) A local school board, charter school governing board, or school district may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness.